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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,225	06/15/2001	Wolfgang Fraas	112740-212	6091
29177	7590	01/11/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			CHOU, ALBERT T	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/868,225	FRAAS ET AL.	
	Examiner	Art Unit	
	Albert T. Chou	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-16, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) 17, 18, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06-15-2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "wherein the second data packet is at least 8 bytes long" in lines 15-16. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12-16, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Duault et al. (US Patent Number: 6,108,336) hereinafter referred to as Duault.
5. Regarding claim 12, Duault discloses a method for data transmission between **ATM Endpoint Terminals** and **PBX** (Figure 13) (between two communications devices) via an ATM network (Figure 13; col. 14, lines 9-11) (via a packet-oriented communications network). The method comprises the steps of
- delivering the PBX switching voice (Figure 13) (a time-slot-oriented data format) based on the 64-kbit/channel traffic (Figure 10; col. 5, lines 25-29) (formed from a period sequence of channel-specific information segments) between **PBX to PBX** or **PBX to ATM Endpoint Terminals** (Figure 13) (between the two communications devices);
- using ATM layer 2 protocol (Figure 2) to form the data packet for the physical layer transmission (providing a data packet for the data transmission). The data packet includes the AAL payload (the data packet includes a user data area) such as **SAR-PDU** (Figure 10);
- decomposing the **SAR-PDU** (Figure 10) further into the **SAR-PDU Payload** (subdividing the user data area into at least one first subpacket of a first length) and the

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**AAL5 Trailer** (*a second subpacket of a second length*) (Figure 10; col. 5, lines 25-28);  
and

adapting the data /voice through the AAL function into **CPCS-PDU / SAR-PDU Payload** (*transmitting data of the same channel-specific information segment in a respective one of the at least first subpacket*) (Figures 6 & 10; col. 3, lines 14-26).

6. Regarding claim 13, Duault discloses that (Figure 13) the **ATM Endpoint Terminals** (*the communications terminal devices*) are connected to the ATM switches (col. 14, lines 9-14) (*devices being connected via at least one transfer unit*) in the private or the public ATM network (*the packet-oriented communications network*) (col. 14, lines 9-14).

7. Regarding claim 14, Duault teaches that the user data AAL-SDU (*channel-specific information segment*) is received at the **AAL-SAP** (Figures 2 & 5) and the **CPCS-PDU Payload** is built based on the received **AAL-SDU** (*allocating at least one first subpacket to the respective channel information segment*). Duault also teaches (Figure 6) that padding can be used in **CPCS-PDU Payload** (*the transmission of each of the at least one first packet being suppressible*).

8. Regarding claim 15, Duault teaches that the **SAR-PDU** comprises the 40-byte payload and the 8-byte **AAL5 Trailer** (Figures 6 & 10; col. 5, line 25-29) (*transmitting dummy data in the second subpacket*). The 40-byte SAR-PDU (*the length of last least one first subpacket*) and the 8-byte AAL5 Trailer (*selecting the length of the second subpacket*) form a total 48-byte user data area (*a total length of the transmitted at least*

one first subpacket and the second subpacket corresponds to a length of the user data area of the data packet).

9. Regarding claim 16, Duault teaches that the **SAR-PDU** comprises the 40-byte payload and the 8-byte **AAL5 Trailer** (the second subpacket is at least 8 bytes long).

10. Regarding claim 19, Duault discloses a method for data transmission (Figure 13) between **ATM Endpoint Terminals** and **PBX** (between two communications devices) via an ATM network (via a packet-oriented communications network based on an Asynchronous Transfer Mode format) (Figures 6 & 10; col. 5, line 25-29).

11. Regarding claim 20, Duault discloses a method for data transmission (Figure 13) between **ATM Endpoint Terminals** and **PBX** (between two communications devices) via an ATM network using AAL5 (via a packet-oriented communications network based on an Asynchronous Transfer Mode adaptation layer AAL5 agreement).

#### ***Allowable Subject Matter***

12. Claims 17, 18, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

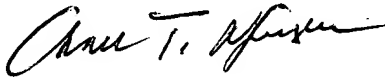
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can

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be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AK  
Albert T. Chou  
January 6, 2005

  
CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600